

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TINA CHIANG,
Plaintiff,
v.
SABRINA AFIFI,
Defendant.

Case No. [24-cv-01665-AMO](#)

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION AND
CLOSING CASE**

Re: Dkt. No. 8

This is an unlawful detainer action filed by Plaintiff Tina Chiang in Alameda County Superior Court against Defendant Sabrina Afifi. ECF 1. This is the third time Defendant has removed the same unlawful detainer action from state court. The two prior cases were both remanded to state court for lack of federal jurisdiction. Order Adopting Report and Recommendation and Remanding Case, *Chiang v. Afifi*, No. 23-cv-06235-JD (N.D. Cal. Mar. 1, 2024), ECF No. 13; Remand Order, *Chiang v. Afifi*, No. 24-cv-01342-JD (N.D. Cal. Mar. 12, 2024), ECF No. 6. In the instant matter, Chiang brings a single cause of action for unlawful detainer.

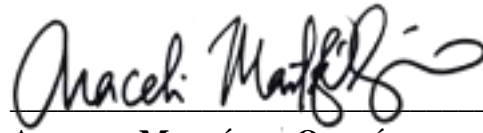
The Court has reviewed Magistrate Judge Kandis A. Westmore's Report and Recommendation to Remand to State Court, ECF 8, as well Defendant Sabrina Afifi's objections to the report. ECF 11. The Court finds the Report correct, well-reasoned and thorough, and adopts it in every respect.

Afifi objects to the Report and Recommendation, arguing that there is federal question jurisdiction because, as detailed in the notice of removal, Chiang allegedly discriminated against her in violation of her civil rights and the Fair Housing Act. ECF 11 at 14-18; *see* ECF 1 at 4-9. A defendant may not create federal question jurisdiction by adding claims or defenses to a notice

1 of removal. *See Caterpillar Inc. v. Williams*, 482 U.S. 386, 393 (1987). Thus, Afifi's claims or
2 defenses cannot form the basis of this Court's jurisdiction, *see Provincial Gov't of Marinduque v.*
3 *Placer Dome, Inc.*, 582 F.3d 1083, 1086 (9th Cir. 2009), and Afifi's objections fail to demonstrate
4 that this Court has subject matter jurisdiction. Accordingly, the Court adopts the Report and
5 Recommendation and remands the case to Alameda County Superior Court. The Clerk's Office is
6 requested to close the case. No further filings will be accepted.

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8 **IT IS SO ORDERED.**

9 Dated: May 10, 2024

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11 ARACELI MARTÍNEZ-OLGUÍN
12 United States District Judge
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